

SHEKU BAYOH INQUIRY

RESPONSE TO RULE 8 REQUEST BY GARRY McEWAN

I am Garry McEwan. My date of birth is [REDACTED] 1971. My business address is c/o Police Scotland. I retired from the Police Service of Scotland on 15 April 2021 after 31 years police service.

I received a Rule 8 request from the Deputy Solicitor to the Inquiry dated 14 April 2022. This statement is my response to the Rule 8 request with the questions asked by the Inquiry shown in italics below.

- 1. Please explain how you first heard about the incident involving Sheku Bayoh at Hayfield Road. Where were you and who told you? What were you told about what had happened?*

As indicated in my statement [PS03136] at page 2, I first heard about the incident at approximately 0745 hours on the morning of Sunday 3rd May 2015. I was at Divisional Headquarters in Glenrothes. I was telephoned by Chief Inspector Stones, the duty officer that day for Fife Division. I was told in brief terms that there was an ongoing incident where police had attended at Hayfield Road in response to a number of calls from the public about a male in possession of a large knife.

- 2. In your statement [PS 03136] you state that "Shortly after 0908hrs, same date, I was informed that the male had been pronounced dead and as such I made the decision to declare a critical incident." Please explain what it was about this incident that led you to declare it a "critical incident."*

A male had died whilst being arrested by police. This is a highly significant event. In my view the effectiveness of the policing response into this death was likely to have a significant impact upon the confidence of the family and the local communities and thus for that reason I declared it a critical incident. I refer again to my statement [PS03136] at page 2.

What is the significance of having an incident declared a "critical incident." Does a "critical incident" differ from a "major incident"?

A critical incident differs from a major incident. A critical incident is where the effectiveness of the policing response may have a significant impact upon the confidence of the family and or communities – as detailed in my statement. A major incident may be something not connected to the policing response like a major fire or adverse weather.

What, if anything, did “critical incident” status mean for your role and for the officers involved

This meant that I could call on any other resources as required including national resources. It also meant that the on-call ACC would be briefed which you don't do for normal incidents. For context, there would only be a handful of critical incidents in Scotland in any year.

Was Sheku Bayoh's race (or perceived race) relevant to your decision to declare the incident a “critical incident”

Yes, ethnicity was a relevant factor in my mind as this may lead to additional media focus and potential community tension

3. *In your statement [PS 03136] you refer to attending a “Gold Group.” What is a Gold Group?*

A strategic Group chaired by the ACC where strategic decisions are made in connection to direction of investigation, costs, media, community or political interest.

What is the purpose of a Gold Group?

To understand the full circumstances and take any strategic decisions required.

How are members of a Gold Group selected?

This is dependent upon the nature of the incident the ACC who is chairing the Gold group will decide who is to attend.

Who attended the Gold Group and what was discussed?

I can't recall exactly but there was a note taken so attendees will be listed in the Minutes.

4. In your statement **PIRC-00181** you state "I went to the canteen sometime before the Gold Group meeting and before Chief Inspector Conrad Trickett arrived to speak to the officers. This was purely for welfare purposes." Who was in the canteen when you arrived? What did you say to the officers?

Present in the canteen when I arrived were at least some of the officers who had been involved in the incident. Also present in the canteen was Amanda Givan from the Scottish Police Federation. As the Local Policing Commander, I considered the right thing to do was to speak to the officers who had involved in the incident to check on their welfare. I also wanted to see whether the officers' needed refreshments or anyone contacted as they may require to remain at work later than normal. I explained that Chief Inspector Trickett would be in attendance soon and he would explain the processes thereafter.

5. Did any of the officers provide you with any details of the incident? If so, who provided that information and what did they say?

No

6. How long did you understand the officers had been together in the canteen before you went to speak with them?

I am not sure as I wasn't told how long the officers had been together and I didn't specifically ask. I assumed the officers had been in the canteen since their return to Kirkcaldy Police Office.

Before you spoke to the officers, did you ask whether anyone had already advised them against conferring? If so, who did you ask and what was their response? In particular, did you ask PC Givan whether she had advised the officers not to confer?

No.

7. Did you explain to the officers the importance of not conferring with each other?

I advised that they should not discuss the incident until CI Trickett attended and briefed them on the process

Did you ask the officers whether or not they had already discussed the incident? If not, why not? If you did please explain the responses you received and from which officer(s).

No, as this wasn't my role at that time.

8. During the time that you were with the officers, were you aware of any discussions taking place about the incident? If so, what was said, and by whom?

No.

9. *Did anyone advise you at any time on 3 May 2015 as to the status of the officers i.e. whether they were being treated as witnesses or suspects? In particular, was the status of the officers discussed at any Gold Group meetings on that date? If so, who advised you and explain what they said. Were you present when anyone advised the officers as to their status? If so, what was said, and by whom?*

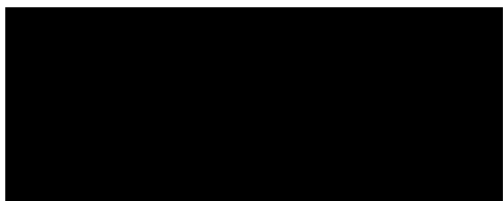
Not to my specific recollection but it may have been. If it was, that will be recorded in the Gold Group minutes which I would take to be accurate.

Did you offer the officers any advice as to their status? If yes, what advice did you give?

No

I believe the facts stated in this witness statement are true. I understand that this statement may

form part of the evidence before the Inquiry and be published on the Inquiry's website.



...Signature

28/6/22

.....Date